Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Claims 1, 3, 7, 9 and 11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Toshiyuki (JP 2000-322818). Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Toshiyuki in view of Yamagami (US 6,256,282).

Claims 1, 7 and 9 have been amended so as to further distinguish the present invention, as recited therein, from the references relied on in the above-mentioned rejections. As a result, the above-mentioned rejections are submitted to be inapplicable to the amended claims for the following reasons.

Claim 1 is patentable over Toshiyuki, since claim 1 recites an optical disc including, in part, a drive information area comprising a plurality of clusters, each cluster comprising a plurality of sectors, each sector having capacity for storing one record of drive-specific information, the plural records of drive-specific information being arranged in an order in which the plural records were recorded with a last-recorded record of the plural records of drive-specific information located in a first sector of a current cluster following a last sector of a previous cluster, new drive specific information being newly recorded to a first sector in a new cluster, and information from all sectors except a last sector in an immediately proceeding cluster being newly recorded to sectors following the first sector in the new cluster. Toshiyuki fails to disclose or suggest these features of claim 1.

Toshiyuki discloses an information recording medium including a drive information field 502 including a first drive information field 502a for recording first drive information 521 and a second drive information field 502b for recording second drive information 522. The first and second drive information fields 502a and 502b are used to provide redundancy in case one is rendered unreadable. Each of the first drive information 521 and the second drive information 522 includes two to sixteen record/playback conditions 521a. The record/playback conditions 521a are stored from newest to oldest.

During operation, if it is determined that none of the sixteen record/playback conditions 521a stored in the first and second drive information fields 502a and 502b is acceptable, a new record/playback condition 521a is determined for the information recording medium and the first and second drive information fields 502a and 502b are updated to include the new

record/playback condition 521a. The updating of the first and second drive information fields 502a and 502b includes overwriting the oldest previously stored record/playback condition 521a with the new record/playback condition 521a and changing the order of storage of the record/playback conditions 521a accordingly. (See paragraphs [0009] – [0012], [0014], [0015] and [0132]-[0134]).

Based on the above discussion, Toshiyuki discloses that the first and second drive information fields 502a and 502b are redundant, i.e., hold the same recording/reproducing conditions 521a; and when a new recording/reproducing condition 521a is to be stored in the first and second drive information fields 502a and 502b, a previous recording/reproducing condition 521a is overwritten with the new recording/reproducing condition 521a in both of the first and second drive information fields 502a and 502b. Further, in the rejection, it is apparent that the first and second drive information fields 502a and 502b are relied upon as corresponding to the claimed clusters and the portions of the first and second drive information fields 502a and 502b to which the recording/reproducing conditions 521a are stored are relied upon as corresponding to the claimed sectors.

However, claim 1 recites that the plural records of drive-specific information are arranged in an order in which the plural records were recorded with a last-recorded record of the plural records of drive-specific information located in a first sector of a current cluster following a last sector of a previous cluster, wherein the new drive-specific information is newly recorded to a first sector in a new cluster, and information from all sectors except a last sector in an immediately proceeding cluster is newly recorded to sectors following the first sector in the new cluster. Toshiyuki fails to disclose or suggest the recording of the new recording/reproducing condition 521a in a new drive information field along with information from an immediately proceeding drive information field as would be necessary for Toshiyuki to disclose the above-discussed feature of claim 1. Instead, Toshiyuki discloses that the first and second drive information fields 502a and 502b are used repeatedly by overwriting the recording/reproducing conditions 521a. There is no disclosure or suggestion of storing recording/reproducing conditions 521a in a new drive information field. As a result, claim 1 is clearly patentable over Toshiyuki.

As for the Examiner's indication in the "Response to Arguments" section that the playback conditions 521a are stored in the first and second drive information fields 502a and

502b from newest to oldest, this provides absolutely no explanation regarding Toshiyuki's failure to disclose or suggest the use of a new drive information field when recording new playback conditions. Therefore, these remarks do not address the difference between the present invention, as recited in claim 1, and Toshiyuki.

Regarding Yamagami, it is relied upon as disclosing an optical disc including a plurality of recording layers each read by a read beam from a same side of the optical disc. However, Yamagami fails to disclose or suggest the above-discussed features of claim 1.

Regarding claims 7 and 9, they are patentable over Toshiyuki and Yamagami for reasons similar to those set forth above in support of claim 1. That is, claims 7 and 9 each recite, in part, that plural records of drive-specific information are arranged in an order in which the plural records were recorded with a last-recorded record of the plural records of drive-specific information located in a first sector of a current cluster following a last sector of a previous cluster, and at a time of recording new drive-specific information, the new drive-specific information is written to a first sector in a new cluster, and information from all sectors except a last sector in an immediately proceeding cluster is written to remaining sectors following the first sector in the new cluster, which features are not disclosed or suggested by the references.

Because of the above-mentioned distinctions, it is believed clear that claims 1, 3, 4, 7, 9 and 11 are patentable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 3, 4, 7, 9 and 11. Therefore, it is submitted that claims 1, 3, 4, 7, 9 and 11 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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